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ELIMINATION OF RACISM AND RACIAL DISCRIMINATION

Report of the Third Committee

Rapporteur: Mrs. Mónica MARTÍNEZ (Ecuador)

I. INTRODUCTION

1. At its 4th plenary meeting, on 19 September 1997, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-second session the item entitled "Elimination of racism and racial discrimination" and to allocate it to the Third Committee.

2. The Committee considered the item jointly with item 111 at its 27th to 29th meetings, on 6 and 7 November 1997, and took action on the item at its 35th, 37th and 49th meetings, on 13, 14 and 26 November 1997. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/52/SR.27-29, 35, 37 and 49).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Relevant sections of the report of the Economic and Social Council for 1997 (A/52/3);[1]

(b) Report of the Committee on the Elimination of Racial Discrimination;[2]

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[1] To be issued in final form as Official Records of the General Assembly, Fifty-second Session, Supplement No. 3 (A/52/3/Rev.1).

[2] Official Records of the General Assembly, Fifty-second Session, Supplement No. 18 (A/52/18).

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(c) Report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination (A/52/463);

(d) Report of the Secretary-General on the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (A/52/528);

(e) Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/52/471);

(f) Letter dated 14 April 1997 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General transmitting a copy of the report on the policy of ethnic cleansing/genocide conducted in the territory of Abkhazia, Georgia (A/52/116-S/1997/317);

(g) Letter dated 10 June 1997 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/52/187);

(h) Letter dated 25 August 1997 from the Permanent Representative of the former Yugoslav Republic of Macedonia to the United Nations addressed to the Secretary-General (A/52/301-S/1997/668);

(i) Note verbale dated 17 July 1997 from the Permanent Mission of Albania to the United Nations addressed to the Secretary-General (A/52/254-S/1997/567);

(j) Letter dated 1 October 1997 from the Permanent Representative of Colombia to the United Nations addressed to the Secretary-General transmitting the communiqué of the Meeting of Ministers for Foreign Affairs and Heads of Delegation of the Movement of Non-Aligned Countries, held in New York on 25 September 1997 (A/52/447-S/1997/775).

4. At the 27th meeting, on 6 November, the Committee heard statements by the Special Rapporteur of the Commission on Human Rights on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, the Special Rapporteur of the Commission on Human Rights on measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Director of the New York Office of the United Nations High Commissioner for Human Rights (see A/C.3/52/SR.27).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/52/L.31 and Rev.1

5. At the 35th meeting, on 13 November, the representative of the United Republic of Tanzania, on behalf of the States Members of the United Nations that are members of the Group of 77 and China, and Turkey, introduced a draft resolution entitled "Measures to combat contemporary forms of racism, racial

discrimination, xenophobia and related intolerance" (A/C.3/52/L.31), which read as follows:

"The General Assembly,

"Recalling its resolution 51/79 of 12 December 1996 and Commission on Human Rights resolutions 1997/73 and 1997/74 of 18 April 1997,

"Bearing in mind the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, in particular the attention given to the Vienna Declaration and Programme of Action[3] to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

"Aware that racism, as one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,

"Having examined the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[4] including its conclusions and recommendations,

"Deeply concerned that despite continued efforts, racism, racial discrimination, xenophobia and related intolerance, as well as acts of violence, continue to persist and even grown in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

"Also deeply concerned that the misuse of new communications technologies, particularly the Internet, has led to new forms of racism and racial discrimination,[5]

"Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as governmental policy or resulting from official doctrines of racial superiority or exclusivity, and on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance that are increasingly visible segments of many societies and are perpetrated by individuals or groups, some of which manifestations are directed against migrant workers and members of their families,

"Noting that the Committee on the Elimination of Racial Discrimination, in its recommendation XV on article 4 (42) 1993, holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the rights to freedom of opinion and

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[3] A/CONF.157/24 (Part I), chap. III.

[4] See A/52/471.

[5] Ibid., para. 46.

expression as outlined in article 19 of the Universal Declaration of Human Rights[6] and in paragraph 5 of the International Convention on the Elimination of Racial Discrimination,[7]

"Also conscious that impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and tends to encourage the recurrence to such crimes,

"Emphasizing the importance of creating conditions that foster greater harmony and tolerance within societies,

"1. Takes note with appreciation of the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;[4]

"2. Requests the Special Rapporteur to continue his exchange of views with Member States, relevant mechanisms, related United Nations organs and specialized agencies in order to further their effectiveness and mutual cooperation;

"3. Welcomes the recommendation of the Special Rapporteur to convene, without further delay, a world conference on racism, racial discrimination, xenophobia and related intolerance, and to include the question of immigration and xenophobia on the agenda of such a conference;

"4. Affirms that under international human rights law, racism is not an opinion but an offence;

"5. Expresses its profound concern at and unequivocal condemnation of all forms of racism and racial discrimination and all racist violence, including related acts of random and indiscriminate violence;

"6. Also expresses its profound concern at and unequivocal condemnation of all forms of racism and racial discrimination, including propaganda, activities and organizations based on doctrines of superiority of one race or group of persons of one colour or belief system that attempt to justify or promote racism and racial discrimination in any form;

"7. Further expresses its profound concern at and condemnation of manifestations of racism, racial discrimination, xenophobia and related intolerance against migrant workers and members of their families, minorities, gypsies or nomads, and other vulnerable groups in many societies;

"8. Encourages all States, to include in their educational curricula and social programmes at all levels, as appropriate, knowledge, tolerance and respect for foreign cultures, peoples and countries;

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[6] Resolution 217 A (III).

[7] Resolution 2106 A (XX).

"9. Convinced that the increasing gravity of different manifestations of racism, racial discrimination and xenophobia in certain countries of the world requires a more integrated and focused approach on the part of the relevant mechanisms of United Nations human rights machinery;

"10. Encourages Governments to take measures to eradicate all forms of racism, racial discrimination, xenophobia and related intolerance;

"11. Categorically condemns the role played by some print, audio-visual and electronic media, particularly the Internet, in inciting acts of violence motivated by racial hatred;

"12. Recognizes that Governments should implement and enforce legislation to prevent acts of racism and racial discrimination;

"13. Calls upon all Governments and intergovernmental organizations, with the assistance of non-governmental organizations, as appropriate, to supply relevant information based on special situations in various countries to the Special Rapporteur to enable him to fulfil his mandates;

"14. Commends non-governmental organizations for the action that they have taken against racism and racial discrimination, and for the continuous support and assistance provided by them to the victims of racism and racial discrimination;

"15. Urges all Governments to cooperate fully with the Special Rapporteur with a view to enabling him to fulfil his mandate;

"16. Requests the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance in carrying out his mandate efficiently, effectively and expeditiously to enable him to submit an interim report to the General Assembly at its fifty-third session."

6. At the 49th meeting, on 26 November, the Committee had before it a revised draft resolution (A/C.3/52/L.31/Rev.1), submitted by the same sponsors.

7. At the same meeting, the representative of the United Republic of Tanzania orally revised the text as follows:

(a) After the sixth preambular paragraph, the following new paragraph was added:

"Noting that the use of such technologies can contribute to combating racism, racial discrimination, xenophobia and related intolerance";

(b) Operative paragraph 4, which read:

"4. Affirms that racism, in particular acts of racist violence, does not comprise expressions of opinion but rather offences;"

was replaced by the following text:

"4. Affirms that acts of racist violence against others stemming from racism do not comprise expressions of opinion but rather offences";

(c) In operative paragraph 9, the words "certain countries of the world" were replaced by the words "various parts of the world", and the word "focused" was replaced by the word "effective";

(d) In operative paragraph 10, the word "appropriate" was inserted before the word "measures";

(e) In operative paragraph 11, the phrase "Categorically condemns those who misuse some print, audio-visual and electronic media" was replaced by the phrase "Categorically deplores the misuse of print, audio-visual and electronic media", and the words "in inciting" were replaced by the words "to incite";

(f) In operative paragraph 12, the words "appropriate and effective" were inserted before the word "legislation";

(g) In operative paragraph 13, the words "based on situations in various countries" after the words "to supply relevant information to the Special Rapporteur" were deleted.

8. At the same meeting, Austria, Denmark, Finland, France, Germany, Iceland, Ireland, Israel, Italy, Liechtenstein, Norway, Poland, Portugal, the Republic of Moldova, Romania, Spain and Sweden joined in sponsoring the revised draft resolution.

9. Also at the same meeting, the representative of the United States made a statement in explanation of position (see A/C.3/52/SR.49).

10. Also at its 49th meeting, the Committee adopted draft resolution A/C.3/52/L.31/Rev.1, as orally revised, without a vote (see para. 22, draft resolution I).

B. Draft resolution A/C.3/52/L.32

11. At the 35th meeting, on 13 November, the representative of Slovenia, on behalf of Austria, Australia, Bangladesh, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, El Salvador, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Monaco, Morocco, Namibia, the Netherlands, New Zealand, Nigeria, Norway, Panama, Poland, Portugal, Romania, Slovakia, Slovenia, Solomon Islands, South Africa, Sweden, The former Yugoslav Republic of Macedonia and Turkmenistan, introduced a draft resolution entitled "Report of the Committee on the Elimination of Racial Discrimination" (A/C.3/52/L.32).

12. At the 37th meeting, on 14 November, Argentina, the Democratic Republic of the Congo, Luxembourg, Mali, Spain and the United Kingdom of Great Britain and Northern Ireland, joined in sponsoring the draft resolution.

13. At the same meeting, on 14 November, the representative of Slovenia orally revised operative paragraph 7 of the draft resolution, by deleting the words "the communication of the Committee" after the words "as well as".

14. Also at the same meeting, the Committee adopted draft resolution A/C.3/52/L.32, as orally revised, without a vote (see para. 22, draft resolution II).

C. Draft resolution A/C.3/52/L.38 and Rev.1

15. At the 35th meeting, on 13 November, the representative of the United Republic of Tanzania, on behalf of the States members of the United Nations that are members of the Group of 77 and China, Mexico and Turkey, introduced a draft resolution entitled "Third Decade to Combat Racism and Racial Discrimination and the convening of a world conference on racism, racial discrimination, xenophobia and related intolerance" (A/C.3/52/L.38), which read as follows:

"The General Assembly,

"Reaffirming its objectives set forth in the Charter of the United Nations to achieve international cooperation in solving problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

"Reaffirming also its firm determination and its commitment to eradicate totally and unconditionally racism, in all its forms, and racial discrimination,

"Recalling the Universal Declaration of Human Rights,[8] the International Convention on the Elimination of All Forms of Racial Discrimination[9] and the Convention against Discrimination in Education, adopted by the United Nations Educational, Scientific and Cultural Organization on 14 December 1960,[10]

"Recalling also the outcome of the two World Conferences to Combat Racism and Racial Discrimination, held at Geneva in 1978 and in 1983,

"Welcoming the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and, in particular, the attention given in the Vienna Declaration and Programme of Action[11] to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

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[8] Resolution 217 A (III).

[9] Resolution 2106 A (XX), annex.

[10] United Nations, Treaty Series, vol. 429, No. 6193.

[11] A/CONF.157/24 (Part I), chap. III.

"Stressing the importance and sensitivity of the activities of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

"Recalling its resolutions 48/91 of 20 December 1993 and 49/146 of 23 December 1994, by which it proclaimed the Third Decade to Combat Racism and Racial Discrimination and adopted the revised Programme of Action for the Third Decade,

"Noting with grave concern, that, despite the efforts of the international community, the principal objectives of the two Decades for Action to Combat Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be the victims of varied forms of racism and racial discrimination,

"Noting with great concern, that, despite the efforts undertaken by the international community at various levels, racism, racial discrimination, xenophobia and related forms of intolerance, ethnic antagonism and acts of violence are showing signs of increase,

"Noting with concern that technological developments in the field of communication, including computer networks such as the Internet, have been used for the dissemination of racist and xenophobic propaganda throughout the world,

"Having considered the report submitted by the Secretary-General[12] within the framework of the implementation of the Programme of Action for the Third Decade,

"Firmly convinced of the need to take more effective and sustained measures at the national and international levels for the elimination of all forms of racism and racial discrimination,

"Recognizing the importance of strengthening national legislation and institutions for the promotion of racial harmony,

"Deeply concerned about the fact that the phenomenon of racism and racial discrimination against migrant workers continues to increase despite efforts undertaken by the international community to improve the protection of the human rights of migrant workers and members of their families,

"Recalling the adoption at its forty-fifth session of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families,[13]

"Acknowledging that indigenous people are at times victims of particular forms of racism and racial discrimination,

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[12] A/52/528.

[13] Resolution 45/158, annex.

I

"Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and coordination of activities

"1. Declares once again that all forms of racism and racial discrimination, whether in their institutionalized form or resulting from official doctrines of racial superiority or exclusivity, such as ethnic cleansing, are among the most serious violations of human rights in the contemporary world and must be combated by all available means;

"2. Recalls with satisfaction the proclamation of the Third Decade to Combat Racism and Racial Discrimination, which began in 1993, and requests the Secretary-General to make a further review of the Programme of Action with a view to making it more effective and action-oriented;

"3. Urges all Governments to take all necessary measures to combat new forms of racism, in particular by adapting constantly the means provided to combat them, especially in the legislative, administrative, educational and information fields;

"4. Requests the United Nations High Commissioner for Human Rights to give the highest priority, through her Office and the Centre for Human Rights of the Secretariat, to the follow-up of programmes and activities for combating racism and racial discrimination;

"5. Requests the Secretary-General to continue to accord special attention to the situation of migrant workers and members of their families and to include regularly in his reports all information on such workers;

"6. Calls upon all Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority;

"7. Commends all States that have ratified or acceded to the international instruments to combat racism and racial discrimination;

"8. Encourages the mass media to promote ideas of tolerance and understanding among peoples and between different cultures;

"9. Requests the Secretary-General to continue the study on the effects of racial discrimination on the children of minorities, in particular those of migrant workers, in the fields of education, training and employment, and to submit, inter alia, specific recommendations for the implementation of measures to combat the effects of that discrimination;

"10. Regrets the lack of interest, support and financial resources for the Third Decade and its related Programme of Action, reflected in the fact that very few of the activities planned for the period 1994-1997 were carried out;

"11. Regrets also that the contributions made by the international community to the Trust Fund for the Programme for the Decade remain below the level required and requests the Secretary-General to include in his report to the fifty-third session of the General Assembly concrete proposals on how to ensure the financial and personnel resources required for the implementation of the Programme of Action, including, inter alia, through the United Nations regular budget;

"12. Requests the Secretary-General to report to the Commission on Human Rights at its fifty-fourth session on the outcome of the two seminars held on the implementation of the Programme of Action concerning migration, racism and racial discrimination and the role of the Internet with regard to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination;

"13. Recommends that activities being organized to celebrate the fiftieth anniversary of the Universal Declaration of Human Rights include programmes specifically targeted at combating racism and racial discrimination;

"14. Requests the United Nations High Commissioner for Human Rights to take duly into account, within the framework of the ongoing restructuring process of the Centre for Human Rights, the repeated appeals of the General Assembly and the Economic and Social Council for the establishment of a mechanism within the Centre for Human Rights for coordinating all the activities of the Third Decade before they are carried out by the United Nations;

"15. Considers that voluntary contributions to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination are indispensable for the implementation of the Programme;

"16. Urges the Secretary-General, United Nations bodies, the specialized agencies, all Governments, intergovernmental organizations and relevant non-governmental organizations, in implementing the Programme of Action for the Third Decade, to pay particular attention to the situation of indigenous people;

"17. Requests States to consider the relevant decisions of the Economic and Social Council on the integrated follow-up to previous world conferences and the need to make optimum use of all available mechanisms in the struggle against racism;

"18. Strongly underlines the importance of education as a significant means of preventing and eradicating racism and racial discrimination and of creating an awareness of principles of human rights, particularly among young people, and in this regard renews its invitation to the United Nations Educational, Scientific and Cultural Organization to expedite the preparation of teaching materials and teaching aids to promote teaching, training and educational activities on human rights and against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education;

"19. Considers that all parts of the Programme of Action for the Third Decade should be given equal attention in order to attain the objectives of the Decade;

"20. Requests the Secretary-General to ensure that the necessary financial resources are provided for the implementation of the activities of the Third Decade during the biennium 1996-1997;

"21. Also requests the Secretary-General to accord the highest priority to the activities of the Programme of Action for the Third Decade;

"22. Further requests the Secretary-General to submit each year to the Economic and Social Council a detailed report on all activities of United Nations bodies and the specialized agencies, containing an analysis of information received on such activities to combat racism and racial discrimination;

"23. Invites the Secretary-General to submit proposals to the General Assembly with a view to supplementing, if necessary, the Programme of Action for the Third Decade;

"24. Invites all Governments, United Nations bodies, the specialized agencies and other intergovernmental organizations, and interested non-governmental organizations in consultative status with the Economic and Social Council to participate fully in the Third Decade;

"25. Strongly appeals to all Governments, intergovernmental and non-governmental organizations and individuals in a position to do so to contribute generously to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination, and to this end requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

II

"World conference against racism and racial discrimination, xenophobia and related intolerance

"1. Decides to convene a world conference on racism and racial discrimination, xenophobia and related intolerance, whose main objectives will be:

"(a) To review progress made in the fight against racism, racial discrimination, xenophobia and related intolerance, particularly since the adoption of the Universal Declaration of Human Rights, and to reappraise the obstacles to further progress in the field and ways to overcome them;

"(b) To consider ways and means better to ensure the application of existing standards and the implementation of the existing instruments to combat racism, racial discrimination, xenophobia and related intolerance;

"(c) To increase the level of awareness about the scourges of racism and racial discrimination, xenophobia and related intolerance;

"(d) To formulate concrete recommendations on ways to increase the effectiveness of the activities and mechanisms of the United Nations through programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance;

"(e) To review the political, historical, economic, social, cultural and other factors leading to racism, racial discrimination, xenophobia and related intolerance;

"(f) To formulate concrete recommendations to further action-oriented national, regional and international measures to combat all forms of racism, racial discrimination, xenophobia and related intolerance;

"(g) To draw up concrete recommendations for ensuring that the United Nations has the financial and other necessary resources for its actions to combat racism, racial discrimination, xenophobia and related intolerance;

"2. Decides also:

"(a) That the world conference on racism and racial discrimination, xenophobia and related intolerance will be convened not later than the year 2001;

"(b) That, when deciding on the agenda of the world conference, to take into consideration, inter alia, the need to address in a comprehensive manner all forms of racism, racial discrimination, xenophobia and related contemporary forms of intolerance;

"(c) That the world conference will be action-oriented and focus on practical measures to eradicate racism, including measures of prevention, education and protection and the provision of effective remedies, taking into full consideration the existing human rights instruments;

"(d) That the Commission on Human Rights will act as the preparatory committee for the world conference on racism and racial discrimination, xenophobia and related intolerance and that its deliberations should be open-ended, allowing for the full participation of all States Members of the United Nations, members of specialized agencies and observers, in accordance with established practice;

"3. Requests Governments, the specialized agencies, other international organizations, concerned United Nations bodies, regional organizations, non-governmental organizations, the Committee on the Elimination of Racial Discrimination, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and other human rights mechanisms to assist the preparatory committee, to undertake reviews and submit recommendations concerning the conference and the preparations therefor to the preparatory committee

through the Secretary-General, and to participate actively in the conference;

"4. Stresses the importance of taking systematically into account a gender perspective throughout the preparations for and the outcome of the conference;

"5. Calls upon States and regional organizations to hold national or regional meetings or to take other initiatives in preparation for the world conference and requests regional preparatory meetings to submit reports to the preparatory committee through the Secretary-General on the outcome of their deliberations, including practical and action-oriented recommendations to combat racism, racial discrimination, xenophobia and related intolerance;

"6. Decides further that the world conference on racism and racial discrimination, xenophobia and related intolerance will be conducted effectively and efficiently and that its size, duration and other cost factors should be determined with due regard for economy;

"7. Decides to keep the item entitled "Elimination of racism and racial discrimination" on its agenda and to consider it as a matter of the highest priority at its fifty-third session."

16. At the 49th meeting, on 26 November, the Committee had before it a revised draft resolution (A/C.3/52/L.38/Rev.1), submitted by the same sponsors.

17. At the same meeting, the representative of the United Republic of Tanzania orally revised the draft resolution as follows:

(a) The tenth preambular paragraph, which read:

"Noting with concern that technological developments in the field of communications, including computer networks such as the Internet, have been used for the dissemination of racist and xenophobic propaganda throughout the world",

was replaced by the following text:

"Noting with concern that the dissemination of racist and xenophobic propaganda is also being channelled through new communication technologies, including such computer networks as the Internet";

(b) A new operative paragraph was inserted after paragraph 8, reading:

"9. Affirms its determination to combat violence stemming from intolerance on the basis of ethnicity, which it considers an issue of particular gravity;"

and the subsequent paragraphs were renumbered accordingly;

(c) In operative paragraph 14, the word "specifically" was deleted.

18. A statement of the programme budget implications of draft resolution A/C.3/52/L.38, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly, was contained in document A/C.3/52/L.74.

19. Also at the 49th meeting, a statement in explanation of position was made by the representative of the United States of America.

20. At the same meeting, the Committee adopted draft resolution A/C.3/52/L.38/Rev.1, as orally revised, without a vote (see para. 22, draft resolution III).

21. After the adoption of the draft resolution, statements were made by the representatives of Cuba and Canada.

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

22. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The General Assembly,

Recalling its resolution 51/79 of 12 December 1996 and Commission on Human Rights resolutions 1997/73 and 1997/74 of 18 April 1997,[14]

Bearing in mind the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, in particular the attention given in the Vienna Declaration and Programme of Action[15] to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

Aware that racism, as one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,

Having examined the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[16] including its conclusions and recommendations,

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[14] See Official Records of the Economic and Social Council, 1997, Supplement No. 3 (E/1997/23), chap. II, sect. A.

[15] A/CONF.157/24 (Part I), chap. III.

[16] A/52/471.

Deeply concerned that, despite continued efforts, racism, racial discrimination, xenophobia and related intolerance, as well as acts of violence, continue to persist and even grow in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Deeply concerned also that those advocating racism and racial discrimination misuse new communication technologies, including the Internet, to disseminate their repugnant views,

Noting that the use of such technologies can contribute to combating racism, racial discrimination, xenophobia and related intolerance,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as governmental policy or resulting from official doctrines of racial superiority or exclusivity and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance that are increasingly visible in segments of many societies and are perpetrated by individuals or groups, some of which manifestations are directed against migrant workers and members of their families,

Noting that the Committee on the Elimination of Racial Discrimination, in its general recommendation XV (42) of 17 March 1993[17] on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights[18] and in article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination,[19]

Conscious that impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and tends to encourage the recurrence of such crimes,

Emphasizing the importance of creating conditions that foster greater harmony and tolerance within societies,

1. Takes note with appreciation of the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;[16]

2. Requests the Special Rapporteur to continue his exchange of views with Member States, relevant mechanisms, related United Nations organs and

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[17] See Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18 (A/48/18), chap. VIII, sect. B.

[18] Resolution 217 A (III).

[19] Resolution 2106 A (XX), annex.

specialized agencies in order to further their effectiveness and mutual cooperation;

3. Welcomes the recommendation of the Special Rapporteur to convene, without further delay, a world conference on racism, racial discrimination, xenophobia and related intolerance;

4. Affirms that acts of racist violence against others stemming from racism do not comprise expressions of opinion but rather offences;

5. Expresses its profound concern at and unequivocal condemnation of all forms of racism and racial discrimination, in particular all racist violence, and related acts of random and indiscriminate violence;

6. Also expresses its profound concern at and unequivocal condemnation of all forms of racism and racial discrimination, including propaganda, activities and organizations based on doctrines of superiority of one race or group of persons, that attempt to justify or promote racism and racial discrimination in any form;

7. Expresses its profound concern at and condemnation of manifestations of racism, racial discrimination, xenophobia and related intolerance against migrant workers and members of their families, persons belonging to minorities, and members of vulnerable groups in many societies;

8. Encourages all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of, and tolerance and respect for, foreign cultures, peoples and countries;

9. Recognizes that the increasing gravity of different manifestations of racism, racial discrimination and xenophobia in various parts of the world requires a more integrated and effective approach on the part of the relevant mechanisms of United Nations human rights machinery;

10. Encourages Governments to take appropriate measures to eradicate all forms of racism, racial discrimination, xenophobia and related intolerance;

11. Categorically deplores the misuse of print, audio-visual and electronic media and new communication technologies including the Internet, to incite violence motivated by racial hatred;

12. Recognizes that Governments should implement and enforce appropriate and effective legislation to prevent acts of racism, racial discrimination, xenophobia and related intolerance;

13. Calls upon all Governments and intergovernmental organizations, with the assistance of non-governmental organizations, as appropriate, to supply relevant information to the Special Rapporteur to enable him to fulfil his mandates;

14. Commends non-governmental organizations for the action that they have taken against racism and racial discrimination, and for the continuous support

and assistance that they have provided to the victims of racism and racial discrimination;

15. Urges all Governments to cooperate fully with the Special Rapporteur with a view to enabling him to fulfil his mandate;

16. Requests the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its fifty-third session.

DRAFT RESOLUTION II

Report of the Committee on the Elimination of Racial Discrimination

The General Assembly,

Recalling its previous resolutions concerning the reports of the Committee on the Elimination of Racial Discrimination and its resolutions on the status of the International Convention on the Elimination of All Forms of Racial Discrimination,[20] most recently resolution 51/80 of 12 December 1996,

Bearing in mind the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[21] in particular section II.B of the Declaration relating to equality, dignity and tolerance,

Reiterating the importance of the Convention, which is one of the most widely accepted human rights instruments adopted under the auspices of the United Nations, and mindful of the importance of the contributions of the Committee to the efforts of the United Nations to combat racism and all other forms of discrimination based on race, colour, descent, or national or ethnic origin,

Calling upon States which have not yet become parties to the Convention to ratify it or accede thereto,

Emphasizing the obligation of all States parties to the Convention to take legislative, judicial and other measures in order to secure full implementation of the provisions of the Convention,

Recalling its resolution 47/111 of 16 December 1992, in which it welcomed the decision, taken on 15 January 1992 by the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of

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[20] Resolution 2106 A (XX), annex.

[21] A/CONF.157/24 (Part I), chap. III.

Racial Discrimination,[22] to amend paragraph 6 of article 8 of the Convention and to add a new paragraph, as paragraph 7 of article 8, with a view to providing for the financing of the Committee on the Elimination of Racial Discrimination from the regular budget of the United Nations, and registering its concern that that amendment to the Convention has not yet entered into force,

Reiterating the importance of enabling the Committee to function smoothly and to have all necessary facilities for the effective performance of its functions under the Convention,

Recalling the provisions of paragraph 4 of article 10 of the Convention regarding the location of the meetings of the Committee,

I

Report of the Committee on the Elimination of Racial Discrimination

1. Takes note with appreciation of the report of the Committee on the Elimination of Racial Discrimination on its fiftieth and fifty-first sessions;[23]

2. Commends the Committee for its work with regard to the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,[20] especially the examination of reports under article 9 and action on communications under article 14 of the Convention;

3. Calls upon States parties to fulfil their obligations under article 9, paragraph 1, of the Convention to submit in due time their periodic reports on measures taken to implement the Convention;

4. Commends the Committee on its efforts to contribute to the effective implementation of international instruments on human rights, inter alia, by continuing to improve its working methods, which include the process of reviewing the implementation of the Convention in States whose reports are seriously overdue, and in that regard invites the Secretary-General to seek further ways to assist those States in fulfilling their reporting obligations;

5. Commends the Committee for its continuing contribution to the prevention of racial discrimination, including early warning measures and urgent procedures, and welcomes its relevant action thereon;

6. Encourages the Committee to continue to contribute fully to the implementation of the Third Decade to Combat Racism and Racial Discrimination and its revised Programme of Action,[24] including by continuing to collaborate with the Subcommission on Prevention of Discrimination and Protection of

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[22] See CERD/SP/45, annex.

[23] A/52/18.

[24] Resolution 49/146, annex.

Minorities of the Commission on Human Rights, as well as by cooperating with the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

7. Welcomes and encourages the cooperation and exchange of information between the Committee on the Elimination of Racial Discrimination and relevant structures and mechanisms of the United Nations, including the Office of the United Nations High Commissioner for Human Rights, as well as with the General Assembly and the States parties to the Convention;

II

Financial situation of the Committee on the Elimination of Racial Discrimination

8. Takes note of the report of the Secretary-General on the financial status of the Committee on the Elimination of Racial Discrimination,[25]

9. Expresses its profound concern at the fact that a number of States parties to the Convention have still not fulfilled their financial obligations, as shown in the report of the Secretary-General, and strongly appeals to all States parties that are in arrears to fulfil their outstanding financial obligations under article 8, paragraph 6, of the Convention;

10. Strongly urges States parties to accelerate their domestic ratification procedures with regard to the amendment to the Convention concerning the financing of the Committee, and to notify the Secretary-General expeditiously in writing of their agreement to the amendment, as decided upon at the Fourteenth Meeting of States Parties to the Convention on 15 January 1992,[22] endorsed by the General Assembly in its resolution 47/111 of 16 December 1992 and further reiterated at the Sixteenth Meeting of States Parties on 16 January 1996;

11. Requests the Secretary-General to continue to ensure adequate financial arrangements and appropriate means, and to provide necessary support to ensure the functioning of the Committee and enable it to cope with its increasing amount of work;

12. Requests the Secretary-General to invite those States parties that are in arrears to pay the amounts in arrears, and to report thereon to the General Assembly at its fifty-third session;

13. Decides to consider at its fifty-third session, under the item entitled "Elimination of racism and racial discrimination", the report of the Secretary-General on the financial situation of the Committee and the report of the Committee.

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[25] A/52/463.

DRAFT RESOLUTION III

Third Decade to Combat Racism and Racial Discrimination and the convening of a world conference on racism, racial discrimination, xenophobia and related intolerance

The General Assembly,

Reaffirming its objectives as set forth in the Charter of the United Nations of achieving international cooperation in solving problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming also its firm determination and its commitment to eradicate totally and unconditionally racism, in all its forms, and racial discrimination,

Recalling the Universal Declaration of Human Rights,[26] the International Convention on the Elimination of All Forms of Racial Discrimination[27] and the Convention against Discrimination in Education, adopted by the United Nations Educational, Scientific and Cultural Organization on 14 December 1960,[28]

Recalling also the outcome of the two World Conferences to Combat Racism and Racial Discrimination, held at Geneva in 1978 and in 1983,

Welcoming the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and, in particular, the attention given in the Vienna Declaration and Programme of Action[29] to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

Stressing the importance and sensitivity of the activities of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

Recalling its resolutions 48/91 of 20 December 1993 and 49/146 of 23 December 1994, by which, respectively, it proclaimed the Third Decade to Combat Racism and Racial Discrimination and adopted the revised Programme of Action for the Third Decade,

Noting with grave concern that, despite the efforts of the international community, the principal objectives of the two previous Decades for Action to Combat Racism and Racial Discrimination have not been attained and that millions

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[26] Resolution 217 A (III).

[27] Resolution 2106 A (XX), annex.

[28] United Nations, Treaty Series, vol. 429, No. 6193.

[29] A/CONF.157/24 (Part I), chap. III.

of human beings continue to this day to be the victims of varied forms of racism and racial discrimination,

Noting with great concern that, despite the efforts undertaken by the international community at various levels, racism, racial discrimination, xenophobia and related forms of intolerance, ethnic antagonism and acts of violence are showing signs of increase,

Noting with concern that the dissemination of racist and xenophobic propaganda is also being channelled through new communication technologies, including such computer networks as the Internet,

Having considered the report submitted by the Secretary-General[30] within the framework of the implementation of the Programme of Action for the Third Decade,

Firmly convinced of the need to take more effective and sustained measures at the national and international levels for the elimination of all forms of racism and racial discrimination,

Recognizing the importance of strengthening national legislation and institutions for the promotion of racial harmony,

Deeply concerned about the fact that the phenomenon of racism and racial discrimination against migrant workers continues to increase despite efforts undertaken by the international community to improve the protection of the human rights of migrant workers and members of their families,

Recalling the adoption at its forty-fifth session of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[31]

Acknowledging that indigenous people are at times victims of particular forms of racism and racial discrimination,

I

Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and coordination of activities

1. Declares once again that all forms of racism and racial discrimination, whether in their institutionalized form or resulting from official doctrines of racial superiority or exclusivity, such as ethnic cleansing, are among the most serious violations of human rights in the contemporary world and must be combated by all available means;

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[30] A/52/528.

[31] Resolution 45/158, annex.

2. Recalls with satisfaction the proclamation of the Third Decade to Combat Racism and Racial Discrimination, which began in 1993, and requests the Secretary-General to make a further review of the Programme of Action for the Third Decade with a view to making it more effective and action-oriented;

3. Urges all Governments to take all necessary measures to combat new forms of racism, in particular by adapting constantly the means provided to combat them, especially in the legislative, administrative, educational and information fields;

4. Requests the United Nations High Commissioner for Human Rights to give a high priority to the follow-up of programmes and activities for combating racism and racial discrimination;

5. Requests the Secretary-General to continue to accord special attention to the situation of migrant workers and members of their families and to include regularly in his reports all information on such workers;

6. Calls upon all Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority;

7. Commends all States that have ratified or acceded to the international instruments to combat racism and racial discrimination;

8. Encourages the mass media to promote ideas of tolerance and understanding among peoples and between different cultures;

9. Affirms its determination to combat violence stemming from intolerance on the basis of ethnicity which it considers an issue of particular gravity;

10. Requests the Secretary-General to continue the study on the effects of racial discrimination on the children of minorities, and those of migrant workers, in the fields of education, training and employment, and to submit, inter alia, specific recommendations for the implementation of measures to combat the effects of that discrimination;

11. Regrets the lack of interest, support and financial resources for the Third Decade and its related Programme of Action, reflected in the fact that very few of the activities planned for the period 1994-1997 were carried out;

12. Also regrets that the contributions made by the international community to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination remain below the level required and requests the Secretary-General to include in his report to the General Assembly at its fifty-third session concrete proposals on how to ensure the financial and personnel resources required for the implementation of the Programme of Action, including, inter alia, through the United Nations regular budget and extrabudgetary sources;

13. Welcomes the convening, in Geneva from 10 to 14 November 1997, of a seminar on the role of the Internet with regard to the provisions of the

International Convention on the Elimination of All Forms of Racial Discrimination;

14. Requests the Secretary-General to report to the Commission on Human Rights at its fifty-fourth session on the outcome of the two seminars held on the implementation of the Programme of Action for the Third Decade concerning migration, racism and racial discrimination and the role of the Internet with regard to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination;

15. Recommends that the activities being organized to celebrate the fiftieth anniversary of the Universal Declaration of Human Rights include programmes targeted at combating racism and racial discrimination;

16. Requests the United Nations High Commissioner for Human Rights to take duly into account the repeated appeals of the General Assembly and the Economic and Social Council for the establishment of a mechanism for coordinating all the activities of the Third Decade;

17. Considers that voluntary contributions to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination are indispensable for the implementation of the Programme of Action for the Third Decade;

18. Urges the Secretary-General, United Nations bodies, the specialized agencies, all Governments, intergovernmental organizations and relevant non-governmental organizations, in implementing the Programme of Action for the Third Decade, to pay particular attention to the situation of indigenous people;

19. Requests States and international organizations to consider the relevant decisions of the Economic and Social Council on the integrated follow-up to previous world conferences and the need to make optimum use of all available mechanisms in the struggle against racism;

20. Strongly underlines the importance of education as a significant means of preventing and eradicating racism and racial discrimination and of creating an awareness of principles of human rights, particularly among young people, and in this regard renews its invitation to the United Nations Educational, Scientific and Cultural Organization to expedite the preparation of teaching materials and teaching aids to promote teaching, training and educational activities on human rights and against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education;

21. Considers that all parts of the Programme of Action for the Third Decade should be given equal attention in order to attain the objectives of the Decade;

22. Requests the Secretary-General to ensure that the necessary financial resources are provided for the implementation of the activities of the Third Decade during the biennium 1998-1999;

23. Also requests the Secretary-General to accord a high priority to the activities of the Programme of Action for the Third Decade;

24. Further requests the Secretary-General to submit each year to the Economic and Social Council a detailed report on all activities of United Nations bodies and the specialized agencies, containing an analysis of information received on such activities to combat racism and racial discrimination;

25. Invites the Secretary-General to submit proposals to the General Assembly with a view to supplementing, if necessary, the Programme of Action for the Third Decade;

26. Invites all Governments, United Nations bodies, the specialized agencies and other intergovernmental organizations, regional organizations and interested non-governmental organizations to participate fully in the Third Decade;

27. Strongly appeals to all Governments, intergovernmental and non-governmental organizations and individuals in a position to do so to contribute generously to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination, and to this end requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

II

World conference against racism and racial discrimination, xenophobia and related intolerance

28. Decides to convene a world conference on racism and racial discrimination, xenophobia and related intolerance, whose main objectives will be:

(a) To review progress made in the fight against racism, racial discrimination, xenophobia and related intolerance, particularly since the adoption of the Universal Declaration of Human Rights, and to reappraise the obstacles to further progress in the field and ways to overcome them;

(b) To consider ways and means to better ensure the application of existing standards and the implementation of the existing instruments to combat racism, racial discrimination, xenophobia and related intolerance;

(c) To increase the level of awareness about the scourges of racism and racial discrimination, xenophobia and related intolerance;

(d) To formulate concrete recommendations on ways to increase the effectiveness of the activities and mechanisms of the United Nations through programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance;

(e) To review the political, historical, economic, social, cultural and other factors leading to racism, racial discrimination, xenophobia and related intolerance;

(f) To formulate concrete recommendations to further action-oriented national, regional and international measures to combat all forms of racism, racial discrimination, xenophobia and related intolerance;

(g) To draw up concrete recommendations for ensuring that the United Nations has the financial and other necessary resources for its actions to combat racism, racial discrimination, xenophobia and related intolerance;

29. Also decides:

(a) That the world conference on racism and racial discrimination, xenophobia and related intolerance will be convened not later than the year 2001;

(b) That, when the agenda of the world conference is decided, there will be a taking into consideration of, inter alia, the need to address in a comprehensive manner all forms of racism, racial discrimination, xenophobia and related contemporary forms of intolerance;

(c) That the world conference will be action-oriented and focus on practical measures to eradicate racism, including measures of prevention, education and protection and the provision of effective remedies, taking into full consideration the existing human rights instruments;

(d) That the Commission on Human Rights will act as the preparatory committee for the world conference on racism and racial discrimination, xenophobia and related intolerance and that its deliberations should be open-ended, allowing for the full participation of all States Members of the United Nations, members of specialized agencies and observers, in accordance with established practice;

30. Requests Governments, the specialized agencies, other international organizations, concerned United Nations bodies, regional organizations, non-governmental organizations, the Committee on the Elimination of Racial Discrimination, the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and other human rights mechanisms to assist the preparatory committee, to undertake reviews and submit recommendations concerning the conference and the preparations therefor to the preparatory committee through the Secretary-General, and to participate actively in the conference;

31. Stresses the importance of taking systematically into account a gender perspective throughout the preparations for and the outcome of the conference;

32. Calls upon States and regional organizations to hold national or regional meetings or to take other initiatives in preparation for the world conference and requests the regional preparatory meetings to submit reports to the preparatory committee through the Secretary-General on the outcome of their

deliberations, including practical and action-oriented recommendations to combat racism, racial discrimination, xenophobia and related intolerance;

33. Decides that the world conference on racism and racial discrimination, xenophobia and related intolerance will be conducted effectively and efficiently and that its size, duration and other cost factors should be determined with due regard for economy;

34. Also decides to keep the item entitled "Elimination of racism and racial discrimination" in its agenda and to consider it as a matter of high priority at its fifty-third session.